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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,740	02/11/2004	Steven D. Moore	03105-01	3602

7590 02/28/2006
Walter L. Beavers
326 South Eugene Street
Greensboro, NC 27401

EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,740

Applicant(s)

MOORE, STEVEN D.

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 6, 9, 12 and 18 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 16, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/2/05</u> | 6) <input type="checkbox"/> Other: _____ |

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Acknowledgment

1. Receipt of the amendment filed 12/02/05 has been acknowledged and entered. Claims 2-3, 7-8, and 13-15 have been canceled. New claims 18-19 have been added. In light of the amendment, the office is withdrawing rejection to claims 1 and 4-5. Accordingly, claims 1 and 4-5 are in condition for allowance.

Claim Objections

2. Claim 12 is objected to because of the following informalities: Step c) of claim 6 recites "a towing vehicle" is inappropriate because "a towing vehicle" has been positive recited in the pre-ample.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 9, 12, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hart (US. pub. 2004/0080141 A1).

Hart discloses a trailer hitch assembly (see figure 2) for coupling with a trailer hitch on a towing vehicle comprising:

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- a. a tubular trailer tongue,
- b. a hitch catch (20), said hitch catch comprising a tubular body sized to slide within said trailer tongue, and a ball catch (24), said ball catch attached to said tubular body,
- c. a tongue lock (50) for (the word for is not a positive limitation and is being interpreted as intended use) inserted into the trailer tongue when the hitch catch is removed,
- d. tongue lock further includes a first retractable arm (44).

With regard to claim 9, Hart discloses all of the claimed limitations.

With regard to claims 12 and 18, Hart discloses a method of coupling a trailer with a tongue to a towing vehicle having an attached hitch comprising the steps of:

- a. modifying the trailer tongue to receive a hitch catch therein;
- b. placing a hitch catch within the trailer tongue;
- c. coupling the hitch catch to the towing vehicle; and
- d. removing the hitch catch from the trailer tongue;
- e. obstructing the trailer tongue with a tongue lock.

With regard to claim 18, Hart discloses all of the claimed method limitations.

Response to Arguments

4. Applicants' response filed 12/2/05 have been fully considered but they are not persuasive. The Hart reference still readable on the amended claims 6, 9, 12, and 18. The rejection is presented above.

Allowable Subject Matter

5. Claims 10-11, 16, 17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



TONY WINNER
PATENT EXAMINER

February 18, 2006